IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 2334 of 1998 (O&M)
Date of Decision : 08.12.2016

Balwinder Kaur and others ....Appellants

Versus

Darshan Singh and others ....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. P.P.S. Sidhu, Advocate
for the appellants.

Mr. D.P.Gupta, Advocate
for respondent no. 4-Insurance Company.

Surinder Gupta, J.

This is appeal by claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Mansa (later referred to as 'the Tribunal') for death of Baldev Singh (later referred to as 'the deceased'), in a motor vehicle accident on 17.12.1992 with Maruti Car bearing registration no. CH-01E-3214 (later referred to as 'the offending vehicle').

2. As the issue involved in this appeal is claim of appellants seeking enhancement of compensation, detailed facts of the case are being skipped for the sake of brevity.

3. The Tribunal allowed compensation of ₹2,68,800/- (wrongly mentioned as ₹2,68,000/-) to claimants, which was computed as follows:-

Sr.No.	***Heads***	***Calculation***
(i)	Name of the deceased	Baldev Singh
(ii)	Age of the deceased	32 years

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(iii)	Income of the deceased	₹2613/- per month
(iv)	Deduction of ₹1000 towards personal expenses	(₹2613-₹1000)= ₹1613 per month (rounded off to ₹1600 per month)
(v)	Amount of dependency after applying multiplier of 14	(₹1600x12x14)= ₹268800
Total		**₹268800**

4. Learned counsel for appellants has argued that the deceased left behind his wife and two minor children. The Tribunal has wrongly deducted amount of ₹1000/- towards personal expenses of the deceased instead of applying cut of 1/3rd of his income as per observations of Apex Court in case of ***Sarla Verma and ors. vs. Delhi Transport Corporation and another, (2009) 6 SCC 121***. The multiplier attracted in this case is also 16 instead of 14. The deceased was employed as Gangman in Northern Railways and claimants are entitled to 50% addition in income of the deceased towards future prospects as per observations of Apex Court in ***Sarla Verma's case (supra)***. The Tribunal has also not allowed any compensation towards loss of love and affection care and guidance for minor children and towards loss of consortium for wife of the deceased. Claimants are also entitled to compensation towards transportation and funeral expenses of the deceased.

5. Learned counsel for respondent no. 4-Insurance Company has argued that the Tribunal has allowed just and reasonable amount of compensation as per price index prevailing at that time and calls for no further enhancement.

6. It is not disputed that multiplier for computing amount of

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dependency applicable to this case is 16 as per norms settled in ***Sarla Verma's case (supra)*** and the Tribunal has wrongly applied the same as 14. The Tribunal has deducted ₹1000/- towards personal expenses of the deceased while it should be 1/3rd of income of the deceased. As per observations in ***Sarla Verma's case (supra)***, claimants are also entitled to 50% addition in income of the deceased towards future prospects. Keeping in view the price index in the year 1992, claimants are also entitled to ₹20,000/- towards loss of consortium for wife and an equal sum of ₹20,000/- towards loss of love and affection care and guidance for minor children of the deceased. Claimants are also entitled to ₹5000/- towards transportation and funeral expenses.

7. In view of my above discussion, compensation to which claimants are entitled is reassessed as follows:-

Sr. No.	***Heads***	***Calculation***
(i)	Income of the deceased as assessed by the Tribunal	₹2600 per month
(ii)	50% of (i) above to be added as future prospects	(₹2600+₹1300)= ₹3900 per month
(iii)	1/3rd of (ii) deducted as personal expenses of the deceased	₹3900 - ₹1300) = ₹2600 per month
(iv)	Compensation after multiplier of 16 is applied	(₹2600X12X16) = ₹499200
(v)	Loss of consortium for the wife	₹20000
(vi)	Loss of love and affection care and guidance for the children	₹20000
(vii)	Transportation and funeral expenses	₹5000
Total		**₹544200**

8. As a sequel of my discussion above, the instant appeal has merit and the same is accepted. Award of the Tribunal is modified and the compensation allowed to claimants for death of Baldev Singh is enhanced

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from ₹2,68,800/- to ₹5,44,200/-. The enhanced amount of compensation will carry interest @ 7% per annum from the date of filing of the claim petitions till actual realization. Respondent no. 4-Insurance Company being insurer of the offending vehicle will deposit the share of claimants-appellants in their bank accounts or pay the same through demand drafts.

December 08, 2016 **(SURINDER GUPTA)**
jk **JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*

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